CONSTITUTION OF THE SENATE

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CONSTITUTION OF THE SENATE

DEBATE RESUMED

The Order of the Day being called:

Resuming the adjourned Debate on the motion of the Hon. Mr. David:—That an humble address be presented to His Excellency the Governor-General; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—(The Rt. Hon. Sir Richard Cartwright.)

HON. SIR RICHARD CARTWRIGHT—As I had occasion to observe when moving the adjournment of this debate, I believe that this House and the country are under a considerable obligation to my hon. friend who introduced this motion, and that for more reasons than one. There can be no doubt, I think, that hon. gentlemen on both sides of the House are tolerably well aware that there has recently arisen a certain agitation directed against this body, and I consider, therefore, that it is highly desirable that we should take an early opportunity, while public opinion on the subject is as yet in a fluid state, and before the matter has crystallized itself in any way,—still more before it has become in any sort or shape a football of the various parties—that we should take the opportunity to put ourselves on record, and, so far as we can, to explain to the public at large the reason of our existence.

CHARGES OF VAGUE CHARACTER

So far as I have been able to ascertain, up to the present moment, the charges against the Senate are rather of a vague character. They may be summed up in the statement that the Senate is a costly and an unnecessary body, and that we could very well afford to dispense with it altogether. I may say that it is possible if we come to a rigorous examination of the whole system of our constitutional machinery, that whatever foundation there may be for these charges against the Senate, it might turn out that there are other portions of the constitutional machine which are quite as much in need of oiling and repairing as this venerable body. I ought, perhaps, to apologize for taking on myself to discuss at length, as I propose to do, the constitution of the Senate, inasmuch as I am among the younger members of this chamber. But hon. gentlemen, although it is true that I have been but recently appointed a senator, it is none the less true that I have had a long and pretty extensive acquaintance with the Senate. If my hon. Irish friends will pardon the bull, I might almost say that I knew the Senate before it was born, inasmuch as I, in a subordinate capacity, did contribute, to some extent, to the creation of the present Senate. More than that, whatever may be said as to the utility of the Senate, I am prepared to testify that whether it has great power for good or not, it has, under certain conditions, a very great capacity for mischief, and as a member of two Liberal administrations who have had the opportunity of being confronted with a hostile Senate, I can say that whatever else the Senate can do, it can make

itself extremely inconvenient to a Liberal or, peradventure, to a Conservative government possessing a decided majority in the other Chamber. Now, hon. gentlemen, this is, I admit, in some sort an academical discussion; it is none the less important on that account. At the same time, I desire to make it very clear to my hon. friends on both sides that, on this occasion more particularly, in what I am about to say I speak for myself alone. I do not, in the slightest degree, and I desire to have it plainly understood, speak for any of my colleagues; and that I am not now speaking in any shape or way for anybody but myself. More than that, I reserve the fullest right to change, alter, vary or modify, if occasion and sufficient cause be shown to me, the sentiments and opinions that I am about to express.

FRANK DISCUSSION NECESSARY

I do not think I shall materially alter them, but it is well that we should enter upon this discussion with the determination to conduct it in the frankest fashion, with a thorough understanding that we are sincerely desirous to contribute such suggestions as occur to us as important for the improvement of the Senate or, generally speaking, for the improvement of the constitutional government of this country. Moreover, one thing is certain, whatever may be the ultimate fate of the Senate there is no great hurry about the matter. It is evident that before the constitution of this body is materially changed, many parties will have to be consulted, and it will take a considerable time to arrive at their opinions. It would be well for those who desire to proceed hastily in this matter to remember

that Canada is in possession of a written constitution under the British North America Act, and whatever may be said for good or for evil as to the question of written constitutions, one thing is certain, and the experience of the United States will amply bear out what I say, that when you hav a written constitution you may depend upon it that any constitutional change will take a great deal of time to accomplish. Now, it is not my intention to dwell at any length on the question whether it is or is not necessary in Canada to have a second Chamber, and for these two reasons: first of all that ours is a federal compact, and that there is very grave doubt indeed whether the smaller provinces would be disposed to abandon any advantages tnat they possess under the present constitution of the Senate.

Hon. Mr. MILLER—Hear, hear.

CONSENT OF THE PROVINCES REQUIRED

Hon. Sir RICHARD CARTWRIGHT—On the other hand, there is no doubt whatever that it would be our plain duty to obtain their consent to any alteration that was made, and I, for my part, am quite sure that the imperial authorities before whom this matter must come in the last resort, would require that the consent of the various provinces should be clearly and fully certified to them before they would proceed to act. The other, and perhaps more important reason, is this: while there has always been a doubt in the minds of political thinkers as to whether one Chamber or two is the better mode of carrying on the government in a country like ours, I think of late, as, if I am not mistaken, my hon. friend inti-

mated, the preponderance of sound opinion is settling more and more every day, and more particularly in view of certain issues, certain questions that are likely to arise within the next 25 or 30 years—to the conviction that, especially under a federal constitution, it would be dangerous to trust legislation exclusively to a single Chamber. I myself believe there is a great deal to be said for that view of the case. I am of the opinion that a single Chamber under our form of representative government, is far more likely to be rushed, far more likely to pass hasty and ill-considered legislation than two Chambers would, more particularly because we are constantly confronted with the fact that now-a-days it is a very easy thing for a number of people who have some particular fixed idea, to get together and to organize themselves in a fashion which will enable them to exercise an influence over an ordinary representative body vastly out of proportion to their real strength. Let us suppose, for instance, that the advocates of some particular fad or idea have succeeded in securing in 40 or 50 constituencies, say a solid vote of 200 or 300. I need not tell any man of experience of politics how little disposed hon. gentlemen in the lower Chamber would be to run the risk of losing 200 or 300 votes on almost any given question you can select, provided they were able by a little timely concession to avert the danger.

WHEN PARTIES ARE CLOSELY BALANCED

I may add—and I think those hon. gentlemen who have had seats in the lower Chamber will be disposed to endorse my remarks—that not only are these dangers considerably increased at all periods when parties

are closely balanced and on the eve of a general election, but that there have been occasions, let me say it with all respect, when the vote of the House of Commons has not absolutely reflected the true sentiment of the House of Commons in just such cases as I have alluded to. For myself, I have sometimes thought that for the guidance of the Senate it would have been a very good thing if we were able to insist that in certain cases the House of Commons should vote twice, once by ballot, to give a chance of knowing what they really thought, and once openly for record for their constituents. I am afraid that there is an amount of truth in the suggestion thrown out by my hon. friend who preceded me, that such things have been known as the Commons thinking one way and voting in another. They have been known, I am not going to say how often I have know them; but such things have been known as the House of Commons passing a Bill in the devout and fervent hope that the Senate would kill it. Nevertheless I admit that this is but a negative value at the best. It is not unimportant. It is not by any manner of means a trifling thing when I say that the value of a Senate is not only in what the Senate does, but in what the Senate prevents other people from doing. There are such things as potential checks. Under certain circumstances these potential checks may come to have very great value, and there is no doubt whatever that the Senate, properly constituted, is the body to apply them. Then there is another and somewhat more delicate matter. Our Senate, as constituted, allows for the recognition in the body politic of certain classes

who from various causes have not been able to obtain proper recognition on the floor of the House of Commons.

CATHOLIC REPRESENTATION

In my own province of Ontario, I am bound to say that in the whole course of my long political experience I have felt it as more or less a reproach to the province and to my fellow-countrymen therein, that the Catholic element in Ontario never did receive full recognition or representation on the floor of the House of Commons. In Ontario to-day there are about 400,000 Roman Catholics, good subjects of His Majesty; nevertheless, although they comprise from one-fifth to one-sixth part of the whole population, there are to-day on the floor of Parliament—and they are better represented in this Parliament than I have ever known them to be before to the best of my recollection—there are but seven men representing these 400,000, and two of these are gentlemen of French extraction, who represent almost purely French constituencies. Now that is not quite fair. It is only too true that there are a great many constituencies in the province of Ontario in which party managers on both sides will tell you there is no use in running Roman Catholic candidates. That is not the fault of the leaders on either side. For very good and excellent reasons, the leaders on both sides would be exceedingly glad to see an adequate representation of this important element. Let us compare the case of the province of Quebec. In Quebec they are just one-eighth Protestants to seven-eighths Catholics. These one-eighth Protestants return, I find, twelve members out of the

sixty-five. In other words, in Quebec one-eighth of the population are able to return nearly one-fifth of the representation; in Ontario from one-fifth to one-sixth return one-twelfth to one-thirteenth of the representation. Here the Senate comes in, as providing a useful method of adjusting the inequality that prevails. Every hon. gentleman knows that there is an unwritten law, respected by both sides, that the Catholic party in the province of Ontario shall be adequately represented in the Senate at least, and they are adequately represented among the twenty-four senators whom we are entitled to have on the floor of this Chamber. As I take it, the question is a two-fold one. First of all we have to put to ourselves the question, does the Senate need to be reformed; and if you answer that in the affirmative, then comes the second question, what is the best method of doing it?

SENATE REQUIRES TO BE REFORMED

As regards the Liberal party, I say that the Liberal party ought to have no doubt at all that the Senate requires to be reformed, and least of all those members of the Liberal party who happened to hold office in the period from 1873 to 1878, and from 1896 down to 1901. As it happens the Liberal party have been in possession of office, since Confederation, for some fifteen years. Of those fifteen years, ten were passed with a hostile partisan majority in the Senate, and, in my judgment, although I admit that is a matter of dispute, very considerable injury to the public interest resulted therefrom. What did we find when we took office ten years ago? And here I want the earnest

attention, not merely of this House, but of parties outside this House—what did we find the situation in 1896, when we came into office with a decisive majority on the floor of the House of Commons? Of the twenty-four representatives from Ontario in the Senate, there was one gentleman, my hon. friend beside me, to represent the Liberal party, which, during all that time, had had at least half the votes in the province of Ontario. There was but one man left in Quebec, if I remember correctly, to represent us among the twenty-four from that province—one Liberal out of twenty-four in 1896. He represented the Liberal party here from the province of Quebec, and my hon. friend from Halifax will correct me if I am wrong, in saying that he and he alone stood for the Liberal party in the province of Nova Scotia.

Hon. Mr. LANDRY—I think the hon. gentleman is mistaken regarding Quebec. There were others.

Hon. Sir RICHARD CARTWRIGHT—Who were they?

Hon. Mr. LANDRY—My hon. friend beside me (Hon. Mr. Thibaudeau).

Hon. Sir RICHARD CARTWRIGHT—I should be glad if my hon. friend would name anybody else.

Hon. Mr. THIBAUDEAU (Rigaud)—There were two, the Hon. Mr. Pelletier and myself.

Hon. Sir RICHARD CARTWRIGHT—Two out of twenty-four; two in Quebec and one in Ontario. I accept the correction, and much good may it do, and I call the attention of the hon. gentleman on the opposite side to this phase of the question: there is the strongest probability, if the Liberal government is sustained at the next general election, as it is almost

certain the Liberal government will be, that the position will be exactly reversed, and the Conservative party in Ontario will find themselves, perhaps, representing half the population in Ontario, with one or, it may be, two members out of the twenty-four, and the same thing will be very apt to occur in Quebec.

Hon. Mr. PERLEY—Then a lot of them will have to die.

Hon. Sir RICHARD CARTWRIGHT—We know what happened in the eighteen years during which the gentlemen on the opposite side were in power. I am applying the same rule of proportion. I do not want to get rid of my hon. friends—not a bit of it. My position is very different. My position is that it is highly desirable that both the great parties should have a fair representation on the floor of the Senate. But what I want to point out is that a thoroughly false position had arisen in 1896 as affecting the Liberal party; that a thoroughly false position will arise in all probability in the course of half a dozen years affecting the position of the Conservative party in turn in this Chamber.

THWARTING THE PEOPLE'S WILL

Nevertheless, this is clear, that under those conditions it is quite possible that an irresponsible body on the floor of the Senate, and it is no matter, for the purpose of my argument whether they be Liberal or Conservative, may, for a long number of years, have power to thwart the will of the people, no matter how distinctly expressed, and, in certain conditions, that circumstance may be very hurtful to the public interest. As a matter of fact, that has happened. That may

recur, and, in my judgment, it is not the part of statesmen; it is not the part of prudent or rational men to allow that condition to recur if we can help it. As I have already said, I am a young senator, and the House will, perhaps, pardon me for venturing to hint what would be, in my opinion, the sort of ideal Senate we should aim at securing. You may say if you choose that this is a counsel of perfection. But, at the same time, I think it is as well for us to have an ideal to which we could direct ourselves, and aim to bring about. The Senate, as I would like to see it constituted, would be a Senate that should represent both parties fairly and in due proportion. With that point I will deal hereafter. It should also have within its ranks a large percentage of men of long experience in public affairs, more especially in Dominion affairs. It should be brought into touch with the people, and, if it could be managed, as in England and some other countries, I think it would be greatly benefited by having a substantial legal element incorporated with it, or attached to it. There are two very notable Senates which have existed at various times and in various quarters of the world, both of which have exercised enormous influence over the affairs of their respective countries—for that matter, over the affairs of the world. One of these, I need hardly say, is the Senate of old Rome, and the other the Senate of the United States of North America. Under the first, in the course of five centuries a mere Italian municipality grew and flourished until it became the mistress of the whole known civilized world, until the Mediterranean was simply a Roman lake, and until it was almost true that outside of the Roman empire there was no civilization at all.

That Senate, as everybody who has paid any attention to the subject knows, was composed in its best days, for the most part, of men of consular rank, great administrators, and great generals, men who had led armies and men who had governed provinces, and it had in its ranks also a large number of great jurists. That was one type of Senate and, for the purpose it was intended to serve, a good and useful type of Senate, too. Now, in the United States, as all gentlemen who have paid any attention to their affairs know, the Senate has become an extremely powerful body. The Senate of the United States is to-day, I believe, by far the most powerful body in the United States, far more powerful than the House of Representatives, far more powerful than the President, though he is a powerful personage too. In fact, in many cases the United States Senators are to all intents kings in their own States. That Senate, despite its immense power, has certain formidable defects, upon which I do not feel called to enlarge at the present moment, and it is not a Senate which is suitable to us. It is not a Senate which would match with our constitution, nor is there any prospect or any likelihood of such a Senate being ever introduced into this country.

Here I might pause to say that my idea of an ideal Senate is not a Senate that should have power to thwart the will of the people, but a Senate that should be at pains to ascertain the true, calm, deliberate, well reasoned judgment of the people. You cannot have two driving wheels in the machinery, but you may have with great

advantage a driving wheel and a regulator therefor, and it is this last article I would aim at providing through the agency of the Senate.

SOME THOUGHTS FOR CONSIDERATION

Here I would venture a few thoughts for consideration. First of all, the absolute fundamental necessity to make the Senate what it ought to be, is plainly that there should be in it a fair proportionate representation of both the great parties or of all parties, and that it should be brought, as I have said, in touch with the people. Later I shall deal with the subject more extensively. In the next place it needs to have among it a large percentage of experienced men of affairs, and notably of men of experience in the public affairs of this Dominion. Thirdly, it is absolutely necessary, if the Senate is to do justice to itself or to justify its own existence, that the Senate should have certain special work assigned to it, a much larger proportion of such work than at present and up to the present has ever been given to it. In the next place, the Senate ought to have more positive power than it at present possesses. Theoretically, I grant you, the power of this body is very great; theoretically it is a co-ordinate branch of the legislature. Theoretically we have power to refuse supplies; theoretically we have power to refuse to pass any bills sent to us. Theoretically we can do a great many things. In reality, our practical power is decidedly too little, and I will propose at the proper place and time to enlarge that considerably. Incidentally, as the question of an age limit has been brought up, I shall give my poor thoughts on that subject. First of all, I am of opinion

that the age limit, if amended at all, ought to be amended at both ends. I consider thirty years too young for anybody to be placed in the red Chamber, although the constitution permits of that being done. Here I may say that I fully endorse the views of my hon. friend that the rights of the existing senators must be respected now as they were respected in 1856. I think it would be outrageous to attempt to deprive men of the position they enjoy under a patent from the crown, but although I would not at all attempt to interfere with the life membership of the existing members of the Senate, I think, when these gentlemen have passed away, you might very well do one of two things, either introduce an age limit, or obtain the same result by appointing men for a certain term. It ought to be a long term, how long perhaps is a difficult matter to decide.

TERM OF TWELVE YEARS

I would suggest, for consideration only, such a term as about twelve years. As to the question of appointing men of experience to such a position, to which point I confess I attach a very considerable amount of importance, that, I think, had best be done in some such fashion as this, whether they be elected or nominated, or partly elected and partly nominated. That is a detail we can discuss later. In any event, I think that at least one-third of the members of the Senate ought to be selected from trained and experienced men, first of all from cabinet ministers of several years' standing; next from lieutenant-governors and premiers of provinces, or from judges of the higher courts, or if all these sources of supply fail, you might have re-

course to the members of the House of Commons of a reasonably long term of years' service, twelve or fifteen as the case might be. Again, I suggest that they should be reinforced with a special legal element who could supply them with the expert knowledge which is almost necessary that such a body should have at hand in passing upon the various measures submitted to them. But, above all things, if we desire to have a Senate which will command the respect and confidence of the people, the Senate should have special work to do. Now that is a knotty and complicated question. The constitution does not allow us to deal with money Bills, nor is it likely we shall ever obtain that power. The best mode is the mode suggested before, and which has also occurred to me, and that is this: just as the Senate has practically absolute control and jurisdiction over all questions of divorce which must originate in this Chamber, so I would make it imperative, if not by law at all events by practice, and we could easily devise means of insuring that this should be done, that the great bulk at any rate, if not the whole body of private legislation, should be compelled to originate in the Senate.

HOUSE OF COMMONS SHOULD BE RELIEVED

I believe it would be better done, and that the House of Commons would be glad to be relieved of a great deal of the work now thrown on them. That of itself would effectually solve the problem of providing ample employment for the gentlemen who may be now or hereafter selected to fill the Senate. As to a question which has been raised, and, as to which, perhaps, I should hardly, being myself partly responsible, say

too much—of our being compelled to consider legislation too hastily, and as to the impropriety of having a great number of Bills thrown on us at very short notice without a chance of properly and fairly deliberating upon them, I have a suggestion to make. I would propose an innovation or two. I am not aware that this innovation has been proposed heretofore, but I think on calm consideration, not a few of the elder members at any rate will agree with me that it is an innovation which might well be considered. The Senate has already ample power to reject any measure sent to it. Now, for various reasons, that is a power which is rarely exercised, and especially is it likely to be rarely exercised in the case of Bills which have occupied the attention of the House of Commons for a very long time.

It is felt, and naturally and reasonably felt, that after the House of Commons have debated a Bill for many weeks, or perhaps for months, and sent it up to us, even at a late period of the session, that it would be discourteous and unreasonable for us summarily to reject it because we did not have sufficient time to consider it. Moreover people might say to us, it is your own fault, you could have kept the Bill and considered it at your leisure.

SUSPENSORY POWER SUGGESTED

We know that practically that would hardly ever be done, at least at the end of a long session, and the suggestion I make in that respect would be this: I would be disposed to allow the Senate to exercise, in addition to the power of rejection which

it always must have, a suspensory power—that is to say: if Bills of importance are brought to us at such a period that they cannot be fairly considered, special provision might be made under which the Senate could suspend until the next session the consideration of these Bills, with this proviso, that these Bills having once passed the House of Commons should not be returned to them, but should be taken up in the next session just as if they had then passed that House. That would enable us to exercise a considerable practical influence over legislation, and would not impose upon us the necessity of rendering useless the labours bestowed upon these measures by the Commons, which most of us would feel very loath to do. Per contra, and this is a matter which requires some consideration I admit, if we took these powers to ourselves, I would be disposed to recommend that the House of Commons should likewise take a little additional power to itself; and that after the House of Commons, on three successive occasions, saw fit to pass any particular measure, the Senate must then, as a matter course, permit that Bill to become law. In other words, I would limit the powers of the Senate to a power of suspension for a period of not exceeding two years. These suggestions I make for consideration and for consideration only. As I have said, my view of the position of the Senate is that it is here not to thwart the will of the people, but to ascertain the will of the people. Now the House of Commons, for various reasons which I have hinted at, does not always express the will of the people, and there is another reason which has not been dwelt upon much, but it is not without importance. When the House of

Commons is first elected fresh from the people, most undoubtedly the House of Commons does correctly represent the people.

WHEN TRUE REPRESENTATION CEASES

But when the House of Commons has sat two, three or four years, from natural physical causes, it has ceased to a great extent to represent the people. In that interval a large proportion of the original voters have died and a very much larger proportion of new votes have come forward, and therefore there is nothing unreasonable in suggesting that a body such as the Senate would be, if constituted as I have ventured to suggest, should have the power of delaying legislation until it should be ascertained whether it really represented the deliberate will of the people of Canada.

I approach now the chiefest and hardest task of all, and that is the task of determining how we should bring the Senate into touch with the people of Canada; how we should best act to remove the partisan complexion which the Senate had, has, and will have, under the present system of nomination—how we can obtain a proper proportionate representation for each party. I may add that if the Senate is to have real power entrusted to it, we may depend upon this, that in some form or shape, either directly or indirectly, that power will have to be derived from the people. I myself remember perfectly well when we tried in 1856 the method of direct contact with the people on behalf of the legislative council of the two Canadas. I saw that put into operation, and it did not impress me very favourably. For one thing, it brings about rather more elections than we want, and my conviction

is that we have too many elections as it is. But independently of that, I found, and I think those who remember the condition of things at that time will corroborate my statement, that these elections of senators directly representing four or five constituencies together, were apt to be frightfully costly and tended to create, as in the case of other senatorial bodies, a mere plutocracy, by no means as likely to represent properly the popular element as some people might suppose or desire. I do not think that is an imaginary danger, but, in any case, I think there is a far better way open to us in that regard; and here I will ask the indulgence of the House if I digress, although only apparently digress, from the consideration of the best way of electing the Senate, to a brief consideration of the representative system under which we at present live and move. And again I say. that here, as elsewhere, I speak for myself alone.

SYSTEM OF REPRESENTATION IS FAULTY

I have long been convinced that our present system of representation is radically faulty, that in some important respects it is not merely vicious in theory, but vicious in practice. I want it to be distinctly and clearly understood that I am the last man to dispute the right of the majority to rule, nor do I desire in the slightest degree to dispute the consequent right of the majority to a majority of the representatives; but I do dispute the right of the majority to arrogate to itself an unfair proportion of the representatives of the people. I will illustrate my position. Let me suppose that one side controls 100,000 voters, and the other side control 90,000, and that there are 190 repre-

sentatives to be elected. It is perfectly just and right, it appears to me, that 100,000 voters should return 100 representatives, and that those who control 90,000 should return 90 representatives; but it is not fair that those who control 100,000 voters should return 150 representatives, and that those who control 90,000 should return but 40. Yet that is what I have seen; that is what our system tends to; that is what has occurred again and again, and will occur again and again under the system under which we are at present working. I know the common argument perfectly well, that it is as fair for one side as the other, that each has its chance in turn. This is true, and it is all the worse. Each side in turn obtains more power than it ought to have; each side is tempted to abuse it; possibly each side does abuse it; and I may add that this system offers, as no other system does, a steady and perpetual premium to gerrymander and corruption. I propose to make good my words.

THE ONTARIO GERRYMANDER

I have here an interesting statement to which I direct the especial attention of hon. gentlemen on both sides, showing the operation of a certain gerrymander which took place nearly a quarter of a century ago in the province of Ontario:

Statement showing the total Liberal and the total Conservative vote in the Province of Ontario in the Commons General Elections for the years 1882, 1887, 1891, 1896 and 1900.

Year	Total Vote		Majority Per Cent.	Members Elected	
	Liberal	Conservative		Liberal	Conservative
1882	131,618	132,615	⅓ of 1	37	55
1887	170,371	174,080	1	40	52
1891	179,451	175,639	1	44	48
1896	185,415	179,181	nearly 2	48	44
1900	193,417	199,138	1⅓	37	55

In 1882 the total vote in Ontario stood as follows: Liberals, 131,618; Conservatives, 132,615. You will observe that the two parties were as nearly as possible absolutely balanced. The total difference between them was just one-third of one per cent. How did they come out on the floor of Parliament under the operation of the remarkable Act to which I have referred? The 131,618 Liberals returned 37 representatives; the 132,615 Conservatives returned 55 representatives. In other words, while it required 3,556 Liberal votes to elect a representative to Parliament, 2,411 Conservative votes could do the same trick.

Hon. Mr. LANDRY—How is it now in Nova Scotia?

Hon. Sir RICHARD CARTWRIGHT—My hon. friend from Halifax, I dare say, will enlighten the House on that question. I do not think Nova Scotia had any Gerrymander Act. For the present I am concerned with Ontario, and with Ontario alone. In 1887 there were 170,371 Liberal votes and 174,080 Conservative votes. The total difference was barely one per cent.; one side having 49½ per cent. of the votes and the other 50½ per cent. Under these circumstances, the Liberals had 40 representatives, and the Conservatives 52. In 1891, and I call the special attention of the House to this remarkable fact, the Liberal party polled 179,451 votes, the Conservative party polled 175,639 votes; that is to say, the position was exactly reversed. In 1887 the Conservatives had a majority of 4,000; in 1891 the Liberals had a majority of 4,000. In 1887 the Conservatives, by virtue of a majority of 4,000, had a majority of twelve representatives on the floor of Parliament; in 1891 the

Liberals with a clear majority of 4,000 had 44 representatives, as against 48 Conservatives. They could not even divide the representation. The nearest they could come was minus 4—a difference of 16. In 1896 there is a difficulty because, for reasons very well known to some hon. gentlemen, the Conservative party were considerably mixed up about that time. In 1896, leaving out the independents, the vote stood: 185,415 Liberals, 179,181 Conservatives; nearly 2 per cent. However, there were 48 Liberals to 44 Conservatives, but when we come to 1900, the gerrymander still remaining undisturbed, there were 193,417 Liberals to 199,138 Conservatives, and the Liberals had 37 against the Conservatives 55.

THE FAR-REACHING EFFECTS

Now I invite the careful and earnest attention of every man in this Chamber and elsewhere who cares to see parliamentary government established on a firm basis, to that statement, and for two reasons: first, these figures I have given, if they are correct—and to the best of my knowledge they are perfectly correct—show conclusively two things: they show the enormous and far-reaching effects which a Gerrymander Act may have, and likewise they show a still more important thing, the extraordinary tenacity, and the extraordinary loyalty with which the great bulk of the voters, throughout the province of Ontario at any rate, adhere to their respective parties. I desire the House to consider what that Act meant. Here for two and twenty years, during five general elections, the great province of Ontario, the leading province of this Dominion, was never represented honestly on

the floor of Parliament—not once during that whole 22 years. I will tell the House what I have seen in connection with this same gerrymander. Under pretence of adding four constituencies, I have seen 54 constituencies cut, mutilated, mangled and bedeviled to produce the results which I have alluded to. Out of 35 ridings in which there was, collectively, a small Conservative majority, the representation was so adjusted that the result in Parliament was 30 Conservatives to 5 Liberals. I have seen two groups of 24 constituencies each, in different portions of the province of Ontario, so adjusted that although in one of them the Liberals had a majority all over the 24 of about 9,000, the result was that they got 6 representatives against 18 Conservatives; while at the other extremity, the Conservatives having a majority of precisely the same number the Liberals obtained either 4 or 5, I am not quite certain which, and the Conservatives 18 or 19. In these eight and forty ridings the vote between the two parties, had it been collected together, was almost equal. Yet the parliamentary representation stood 10 or 11 to 36 or 37. I would guarantee, were I to take a map of Canada, and deal with that map without regard to county or municipal boundaries, I could at one and the same time produce a set of constituencies which would have a numerical population more in accord with the unit of population than we have at present, and yet I could cause 40 per cent. of the electors to return 60 per cent. of the representatives. As I have said, the consequences were very far-reaching. For a very long time, a very long time indeed, it was absolutely impossible for the Liberals to obtain anything like a fair repre-

sentation, and during the interval from 1882 to 1896 there were numerous cases known to me in which, had the Liberal party possessed their fair share of the representation, the Conservative government would have been swept out of existence time and time again. Perhaps some day I may find time to write an essay on the story of the great gerrymander. If I could only persuade my hon. friend from Belleville to act as collaborator, and append a few foot-notes, or better still, if he would only write a little tract for the use of Conservative kindergartens and Sunday Schools, entitled "How we hived the Grits, and what they thought about it," we would, between us, produce an intensely interesting publication, and one which would be appreciated by every practical politician as well as by every philosophical student of history who might desire in the future to know how we managed things in the latter quarter of the nineteenth century in this good country of Canada. Allow me to say that that gerrymander, in some respects, has always commanded my profound admiration as a real work of art in its own line. I do not believe, short of an Act of Parliament by which you would decree that from that time forth three Conservative votes should ever after be equal to five Liberal, you could have done much better for the party than was done by that gerrymander. And I may add, to do them justice, that if they had only been allowed to put through the Dominion Franchise Act as it was originally introduced, that result would have been achieved by slightly modified means.

Now, sir, I say that under those circumstances, if the facts which I have stated cannot be contravened, I think there is no doubt whatever as to the truth of the deduction which I draw, that our representative system offers a tremendous premium to gerrymander, recurring, mark you, every ten years, when the census is taken and the representation has to be readjusted.

I repeat that, if these facts are correct, there can be no sort of doubt that it is a very defective system on a very important point. I should be very sorry, indeed, to see a Liberal government have recourse to that means of keeping themselves in power, but even Liberals are human beings. Even Liberals are frail, and I could conceive a contingency in which a hard-pressed Liberal premier with a very small majority, and with very difficult questions to grapple with, might be pressed by his own followers into treating hon. gentlemen opposite to a dose of their own medicine. And I may add that in so far as they are concerned, they would have very little cause to complain, whatever the public at large might have to say against such a piece of manipulation on the part of the Liberal party. I stated also that in addition to offering a premium to gerrymander, this system offers a very decided premium to corrupt practices. I repeat, that under our present system, as I have said, I believe, and I am glad to testify, that I think the great bulk of the electorate of Canada are perfectly honest and faithful to their political convictions. But, as at present administered, you have a system under which, whenever both parties are tolerably closely matched

in any constituency, the practical decision of how the representation will go is largely in the hands of a loose floating class lying between the two. I do not think that interferes very much with the actual results of the election, because the temptation to fight fire with fire is very great, and nine times out of ten the loose vote is divided between the two parties. But I do say that where one party cannot or will not resort to the same means as the other, there is very little doubt, I am sorry to say, how the election will go.

AN INHERENT DANGER

That is the danger which is inherent in the present system, and it involves divers consequences, both moral and political, gravely affecting our whole political system, to which I have not time now to do more than allude, but which need very serious consideration. It has always struck me as a very curious circumstance, that when anybody proposes to remedy these defects he is met with the cry that it is a very desirable thing no doubt, but that it is not possible to remedy them, that we have to go on as we have gone on in this same fashion, and that we cannot carry out a representative system properly on any other lines. It is a very curious fact that both in this House and in the House of Commons, for many years, this problem of giving fair proportionate representation to both parties has been solved in the easiest way and without the slightest difficulty. Never in the forty years and more that I have sat in Parliament, have I known a minority in the lower House—and I presume the same condition exists here—to be denied its perfectly fair representation in all the committees

struck by that House. We give them their perfect proportionate representation. If the minority have two-fifths in the House they get two-fifths in the committee. If they have a third in the House they get a third in the committee, and so proportionate representation is carried out to perfection, and I have always felt, and I do not hesitate to say, that the true solution for a great many of these difficulties which undoubtedly beset us, lies in applying to the electorate in one mode or the other a system analogous to that which we put in force with such success in our own Senate and our own House of Commons.

SYSTEM OF GROUPING CONSTITUENCIES

That may be done in various ways. The way in which I believe it could be most easily carried out, the most feasible and most likely to produce good results, would be by a system of grouping constituencies on the plan of one man one vote. You might group them by twos, threes, or fives, or adopt a modification of these systems. This result would happen, that under no possible conditions could the minority be deprived of a reasonable proportion of the representation. Sometimes they might obtain a little more than they were fairly entitled to, sometimes a little less, but in the long run the result for which I contend would be secured, and the two parties would ultimately be represented in almost exact proportion to their actual strength. Now, I take it that the real truth of the matter is just this: I do not mean to say that the public at large, though they do not now understand the subject, perhaps, as fully as they will ultimately come to—are in any way averse to having proportionate

representation. I use the word proportionate because the common phrase of representation of minorities conveys a wholly false meaning, and an entirely false interpretation is put upon it. I do not desire to give the minority any more representation than they ought to possess, but I do desire to see that the minorities, whether Conservative or Liberal, should be represented here and elsewhere in proportion to their real, genuine strength. So far this question has been usually left to the politicians and I am sorry to say that your average practical politician is a very difficult animal to deal with, and here again I may remark that I do not speak of Conservatives or Liberals in this respect one more than the other. As a rule, however, your ordinary politician is about the most inveterate opponent I have ever come across of any innovation or any alteration in the machinery to which he is used. It seems to be a prime article of his creed that he prefers the devil he knows to the devil he does not know, or, to put it in other language, he prefers to bear the ills he does know rather than fly to others of which he does not know.

A REASONABLE VIEW

There is a reasonable side to this: there is no doubt if you introduce a new and hitherto untried factor in our political life you may produce results which none of us, perhaps, expect or desire; but if it be based on principles which conform with the principles of justice and fair play, I, for one, am perfectly prepared to take the risks and I advise my countrymen to do the same. The fact is that these worthy gentlemen to whom I have

referred do thoroughly appreciate the vast importance of having a good organization, and of having a good supply of campaign funds. If the truth must be said they are privately one and all devout worshippers of the machine and the pork barrel. In their eyes the highest effort of true statesmanship is to arrange for some adroit manipulation of the constituencies or for some generous contribution to party funds, and if they can supplement these with a good cry or a skilful appeal to some popular prejudice they ask no more. I do not want to be misunderstood in this matter. A good organization is a right good thing, and a great party can no more be kept together without a good organization than an army can work without a headquarters staff and, I will add, you cannot possibly put five or six hundred thousand men in battle array on either side without a considerable expenditure of money which somebody must provide. It would be mere prudery or poltroonery for me to ignore these facts. What I hope and wish is not that you should pretend to dispense—which you cannot do—with the use of money and organization, but that the money should be honestly got and honestly applied and not put to illegitimate uses. The point is not to ignore what we all know to be the fact, but to endeavor to regulate it and above all—and there is where my argument chiefly comes in—to remove as far as we can by some means or other, by grouping constituencies in the fashion I have indicated, or by whatever other means hon. gentlemen can suggest, to remove the temptation either to gerrymander or to use money for corrupt purposes.

OTHER WAYS OF INFLUENCING PUBLIC OPINION

One thing I know, and one thing I will say to the credit of the community, and that is that valuable as organization is, and valuable as money is to political parties, there are other things and other ways of influencing public opinion, which tell far more after it all is said and done than either money or organization, and that if you could only contrive to appeal to the people and to thoroughly satisfy them of the integrity of your intentions, they have shown again and again they are able to sweep aside all the obstacles which may be interposed between the declaration of their will and the proper carrying of it into effect through the medium of their representatives.

Now, these are not things to be spoken lightly of; they are things I would not say lightly. What I say, I say after having had some forty-three years' experience in public life, ten as a private member, fifteen as a member of the government and eighteen as one of the leaders of an opposition, and, I may add, I have this claim to speak with some knowledge, that in my time I have put in fifteen separate elections for my own single individual share. These things have made me realize the situation. I must say that I do not believe the system has improved. I do not think the system will improve. As I have said, I believe it is radically faulty and needs to be reformed from the bottom up. I do not deny there have been certain superficial ameliorations, some of them by no means unimportant, but they do not go to the root of the matter and cannot go to the root of the matter until you

provide some means, as I have said, whereby both parties shall be fairly represented on the floor of Parliament, and in due proportion to their numbers. Now time is pressing, Canada is very fast growing into a nation. Canada will soon have to deal with a great many very complicated questions. I know that many advanced political thinkers agree substantially in the view which I have presented to you, and this brings me back to the point more particularly in hand.

A GREAT OPPORTUNITY

I say that the reform of the Senate, properly carried out, offers a great opportunity to introduce the system of proportionate representation which, I trust and hope, if once adopted, will spread downward and upwards until it be generally introduced not merely in our Dominion Parliament but in our local legislatures, and generally throughout this community. I expect no miracles. I know as well as anybody that no political system that ever was devised is going to work automatically. The best code of laws that ever the ingenuity of man devised, or that ever could be devised, will not work unless you have capable and honest judges to administer it, nor will the best political system that ever could be invented result in bringing prosperity to a community unless there is a reasonable modicum of patriotism and intelligence among the people. But, while that is true, it is equally true that there is absolutely no limit to the harm a bad system can produce. Such a system perpetuates itself, exaggerates itself, makes good m[illegible] despair of the state, and enables bad men to turn political affairs to their own profit. If you will analyze with care the vote cast

at any general election you will almost always find the victors under our system have too much power, though sometimes it favors one party, sometimes another.

But I contend that the system in itself is wrong. I do not advise any very immediate change. I know well enough that in all English-speaking communities you must move step by step, and one of the very best features in the British constitution and, I think, in ours, which is partly derived from it, is that it is a system of gradual growth and not one of sudden, violent change. My idea is that we should begin at the election of the Senate. Later on, if things prove successful with us, we might grapple with the Commons. I feel no doubt that the principle once understood would make good way.

WOULD PRODUCE A DEADLOCK

I know some hon. gentleman would say that these things would produce a deadlock, and that the King's government must be carried on. I know too that this is an innovation which would involve many consequences, not always readily foreseen, but I contend that, innovation or not, it is founded on principles of truth and equity, and it will commend itself to all who give it a fair consideration. I say that I believe these results will flow from it: I believe that you would have purer elections; that you would have a higher tone in Parliament; that a better class of men, with no disparagement to the occupants of the benches in this Chamber or elsewhere, would find entrance to Parliament; that governments would be held in due check, and that the evils of the party system would be, to a great extent, done away with; and, in one word, that

we would have a far fairer and a better system of representation than we at present possess. I remember when I was first entering public life that the cry which rang like a tocsin over Ontario was for representation by population, a fair and good cry and one which we ultimately carried to success; but representation of both parties in due proportion is just as good a cry and likely to bring even greater benefit to the people of Canada than representation by population was able to do. Now, for immediate purposes, I say that I do not desire to disturb the existing tenure of any hon. gentleman, but we might provide for future elections just as we did in 1856. All gentlemen who then held patents for a life tenure of the legislative councillorships retained them, but to them were added a certain number of elective councillors, elected in due rotation at intervals of two years each.

PROVINCES SHOULD ELECT SENATORS

For the reasons I have given I dislike decidedly the idea of electing senators by direct election. I believe that it would be an infinitely better plan for us to adopt were we to insist or were Parliament to decide that on and after a certain date all future senators, at least the great bulk of the future senators, be elected by each province, or, if you will, by groups of provinces,—and by three at a time in each province, in order that whenever an election of senators took place both parties should be represented in due proportion to their real strength.

Thus you would insure a fair representation of both parties, inasmuch as under any ordinary conditions the party in the minority in any local legislature would always be able to secure one senator out

of the three. I think it would be well perhaps, inasmuch as we are likely to increase our numbers very shortly, that the number of elective senators might be reduced to forty-eight: that is to say twelve for each group. Twelve for Ontario, twelve for Quebec, twelve for the Maritime provinces collectively, and twelve for the Northwest provinces collectively; and to provide against deadlock, and for other reasons, I think that the government might very well be given power to appoint a third of the whole number, which would make seventy-two in all when the present incumbents had departed, such third to be chosen from the ranks of those classes whom I have described above as best fitted to supply senators to the Dominion. The term I suggest would be twelve years.

AN IDEAL LEGISLATIVE BODY

Could this be done you would have, when that was carried out, a Senate containing a very reasonable proportion of men of long experience in public affairs; you would have a Senate assigned a definite work; you would have a Senate armed with power which they could fairly use and which it is probable they would use; a Senate reinforced with due legal advisers, a Senate which would accurately represent both parties; a Senate which would derive authority from that fact, and from the fact that the bulk of its members were elected by the people through their local legislatures. I say that such a body could do very good service to the state. We have had forty years' trial of the existing method. It seems to me that the defects of the Senate to which I have alluded are defects which no thoughtful man can ignore.

Let me repeat, that it never was the intention of the founders of Confederation, it never was expected or believed that such a state of things should come about as that in the province of Ontario, with one-half Liberal voters, there should be one Liberal representative found on the floor of the Senate out of twenty-four, or that a little later in the same province there should be one, or it may be two, Conservative representatives found out of a delegation of twenty-four, when in each case the Liberal and Conservative parties were almost identically equal in their respective provinces. I have suggested one scheme. I invite my hon. friends to suggest another or others.

EXISTING METHOD CANNOT CONTINUE

We are certain to have ample time to discuss the question, but there is one thing that I do believe, and that is that it will not be found possible for the existing method to continue very long, and that we will do well to set our House in order, and as fast as we possibly can. As to the opinion pretty freely expressed in many quarters that you can't improve politics for the reason that politicians are all alike, one set being just the same as the other and neither party being any better than they should be, which means in plain English that they are both a great deal worse than they ought to be, I say, for my part, that I think politicians are very much what the public choose to make them, and that their shortcomings are very largely due to a bad system. But there is no doubt that to those who look behind the scenes and below the surface, there was a good deal of truth in what Prince Alber twas nearly torn to pieces for saying some 50 or 60 years ago, that parliamentary government was on its trial.

What Prince Albert really meant was—and it is an opinion with which a good many other thinkers agree—that party government at the time was on its trial, and was not coming out too well from the ordeal. But men are very apt to misunderstand any general dictum of that kind. Take, for instance, Dr. Johnson's famous statement that politics was the last resort of scoundrels. This is commonly interpreted to imply that Dr. Johnson said that all politicians were scoundrels. He never said that. He did not say all politicians were scoundrels, and he knew better. It is as true of politics as of religion, that it is one of the noblest of vocations, and one of the meanest of trades. There is no one who deserves or ought to receive more respect or esteem from his fellow-countrymen than the man, on whatever side of politics he may be, who gives freely of his time and means to promote the interests of the country, if he believes his party is working for the interests of his country. And, on the other hand, I know quite well that there are no men, however great their ability and talents may be, who are greater enemies of the state than the men who go into politics for what they can make out of it. I have known many men of both sorts on both sides. I have seen in my time a very considerable amount of baseness in politics, and I have seen a great deal of true nobility. I have seen much greed and self-seeking, and I am bound to say that I have also seen a very great deal of loyalty and sincere devotion to party and country, and I do not despair in the slightest degree because

here and there there are found men who do not do honour to their party and who do not do honour to their country. I do not despair of seeing men enough of the right stamp yet taking a steady interest in politics to bring about a very much better state of affairs, and one main object I have in view is to make it easier for just such men to enter the political arena. I know right well that in the political field, as in every field, you will have wheat and tares growing side by side until the millennium comes. But you need not have a system specially suited to promote the growth of the tares.

AN APPEAL TO LIBERALS

For the rest I appeal to my brother Liberals to consider whether the scheme which I venture to propose is or is not in accordance with the best traditions of the Liberal party. To my Conservative friends I say that the time has come when they had better cease thanking God that there was a Senate in which they had a majority of ten to one, and begin to consider what their position will be when there is a Senate with a majority of ten to one against them; and I say to thoughtful men of all classes that I believe a project which would bring about a system that would give fair representation to both parties, is a project which would redound immensely to the honour and credit of the people of Canada. There may be a better, but at any rate I know of none. I believe that here again in the course of time an opportunity has come when the people of Canada may possibly succeed in solving a problem that has presented great difficulties to thinkers in all countries. I think it can

be solved, if not in this way, still in some similar way. I invite the attention of my hon. friends here and elsewhere, and my friends throughout the country, to the best method of settling this vexed question, and, if it be solved by us, then I say that Canada once more will be able to say, as Kipling put it not very long ago:

They that are wise may follow
Ere the world's war trumpet blows;
But I—I am first in the battle,
Quoth our Lady of the Snows.